IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3506 OF 2007
IN
SUMMARY SUIT NO.497 OF 2005

South Indian Bank Ltd ...Plaintiffs

Versus

Harshjeet Kurup & Anr. ...Defendants

Shri C.M.G. Shastry for the Plaintiffs.

Ms Rekha P. Safari for the Defendant Nos.1 and 2.

CORAM : ABHAY S.OKA, J.
DATED : SEPTEMBER 27th, 2007.

P.C.:

1. Heard the learned counsel appearing for the Defendants in support of Notice of Motion. The learned counsel for the Plaintiffs has opposed the Notice of Motion by pointing out that no reasons have been assigned in the affidavit in support for non filing the written statement within four weeks from 20th December, 2005. He submitted that a copy of the written statement has been already served to him and he finds that there is no merit in the defence.

2. The Defendants were directed to file written statement within four weeks from 20th December, 2005. It is stated in the affidavit in support that as the Defendants were out of town they could not file written

statement. Considering the fact that unconditional leave was granted to the Defendants and the fact that written statement of the Defendants is ready, an opportunity deserves to be granted to the Defendants to file the same.

3. Hence, Notice of Motion is disposed of by passing following order:

(i) If the written statement is filed by the Defendants within a period of four weeks from today, the same shall be accepted by the office.

(ii) If written statement is filed within four weeks from today, the suit shall be set down on 30th October, 2007 for issues.

(iii) If written statement is not filed within stipulated time of four weeks from today, the suit shall be set down under the same caption "Undefended Suits for Exparte Decree".

JUDGE